



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



363503

MEMORANDUM

REPLY TO THE ATTENTION OF:

DATE: 24 JUN 2010

SUBJECT: ACTION MEMORANDUM: Request for an Emergency Removal Action at 136th Street Drum Site, located in Chicago, IL, Cook County, (B5TP)

FROM: Fredrick A. Micke, OSC
Response Section 3

THRU: Thomas Crosetto, Chief
Emergency Response Section 3

TO: Linda Nachowicz, Chief *De Foran*
Emergency Response Branch 2

I. PURPOSE

The purpose of this memorandum is to request and document your approval for expending up to \$20,000 to abate a potential imminent and substantial threat to public health, welfare, and the environment posed by the 136th Street Drum Site located at 340 East 136th Street in Chicago, Cook County, IL. This memorandum will also document my initial determination that an emergency response was needed and the decision to approve and initiate the removal actions described below.

This response action was necessary to mitigate the immediate threat to public health, welfare, and the environment posed by the release of toxic chemicals from laboratory chemicals (lab packs) stored in six (6) 30-gallon fiber drums located in a residential garage located at 340 East 136th Street in Chicago, Illinois

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID# ILN000510396

A. Physical location and Site Characteristics: Laboratory (lab) chemicals (approximately 500 in number) were stored in six (6) 30-gallon fiber drums located in a residential garage located at 340 East 136th Street in Chicago, Illinois.

B. Site Background and Site evaluation: The City of Chicago, Department of Environment requested assistance from the U.S. Environmental Protection Agency on September 1, 2009. The City of Chicago and this Agency inspected the residential garage and obtained site access on September 2, 2009. The services of an Emergency and Rapid Response Services (ERRS) Contractor were obtained on September 3, 2009. These services were needed because of the potential of a fire or explosion because of the improper storage of the lab chemicals in the garage. A possibility of trespassers and theft of the lab chemicals also existed.

The lab materials were categorized and repackaged (into 26 containers) on September 9 and 10, 2009. The wastes were classified as Resource Conservation and Recovery Act (RCRA) characteristic waste (corrosive, ignitable, oxidizers, reactive, and toxic), and as listed wastes (cleaners, acutely hazardous, fatal to humans, radioactive, and toxic). The large number of containers (26) needed for transportation and disposal was required because many of the lab materials were incompatible across and within waste categories per U.S. Department of Transportation (U.S. DOT) regulations.

Transportation and disposal of the lab materials was conducted on September 24 and 29, 2009. The project was completed on September 29, 2009.

III. THREATS TO PUBLIC HEALTH, WELFARE, OR TO THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

The conditions at the Site presented a release or a threat of release of a CERCLA hazardous substance, and meet the criteria for an emergency removal action provided for in the National Contingency Plan (NCP), 40 CFR § 300.415 (b) (2). These criteria include the following identified below (check applicable):

X YES ☐ NO i. Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants

☐ YES X NO ii. Actual or potential contamination of drinking water supplies or sensitive

X YES ☐ NO iii. Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release

The six (6) 30-gallon fiber drums were in very poor condition. In addition, the lab chemicals as stored in the fiber drums were not compatible with each other and, therefore, could not be transported and disposed of without proper

repackaging per U.S. DOT regulations. The wastes were classified as Resource Conservation and Recovery Act (RCRA) characteristic waste (corrosive, ignitable, oxidizers, reactive, and toxic), and as listed wastes (cleaners, acutely hazardous, fatal to humans, radioactive, and toxic). These wastes (characteristic and listed) are defined as hazardous per RCRA definition.

☐ YES ☒ NO iv. High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface, which may migrate

☐ YES ☒ NO v. Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released

☒ YES ☐ NO vi. Threat of fire or explosion

The lab chemicals were of various types. The chemicals had various characteristics, e.g. ignitability, corrosivity, reactivity, toxicity, and radioactive etc. The chemicals as improperly stored were incompatible across and within waste categories and, therefore, the threat of fire or explosion existed.

☒ YES ☐ NO vii. The availability of other federal or state response mechanisms to respond to the release

The City of Chicago, Department of Environment requested U.S. EPA assistance on September 1, 2009. This request was made to U.S. EPA since the City of Chicago does not have an appropriate response mechanism to respond.

☐ YES ☒ NO viii. Other situations or factors that may pose threats to public health or welfare of the United States or the environment.

ENDANGERMENT DETERMINATION

Given the Site conditions, the nature of the suspected hazardous substances on-site, and the potential exposure pathways described in Section II and III above, actual or threatened releases of hazardous substances from this site, if not addressed by implementing the response actions selected in this Action Memorandum, may present/may have presented an imminent and substantial endangerment to public health, welfare, or the environment.

IV. PROPOSED ACTIONS & ESTIMATED COSTS

1. Proposed Action Description

The OSC has completed the following emergency removal actions to mitigate threats posed by the presence of laboratory chemicals at the 136th Street Drum Site:

- X Develop and implement a site health and safety plan;
- X Provide site security measure and restriction to the hazardous substances on site;
- X Secure, stage, sample, and characterize all wastes;
- X Transport and dispose of all hazardous wastes, pollutants and contaminants at an EPA approved facility in accordance with EPA off-site rule 40 CFR 300.440;

The removal action was conducted in a manner not inconsistent with the Nation Contingency Plan (NCP). The OSC has initiated planning for provisions of post-removal site control consistent with the provisions of Section 300.415(l) of the NCP. Elimination of all surface threats is, however, expected to minimize the need for post-removal site control.

The response actions described in this memorandum directly address actual or threatened releases of hazardous substances, pollutants, or contaminants at the site which may pose an imminent and substantial endangerment to public health and safety and the environment. These response actions do not impose a burden on the affected property disproportionate to the extent to which that property contributes to the conditions being addressed.

Removal activities required approximately 5 on-site working days to complete.

2 Estimated Costs

The estimated costs for this removal action are as follows:

ERRS	<u>\$ 17,400</u>
Contingency (15%)	<u>\$ 2,600</u>
Total	<u>\$ 20,000</u>

3. Applicable or Relevant and Appropriate Requirements

All applicable, relevant, and appropriate requirements (ARARs) were complied with to the extent practicable considering the exigencies of the situation. Federal and State ARARs identified for the Site:

- X RCRA/TSCA waste characterization requirements for disposal

V. EXPECTED CHANGE IN THE SITUATIONS SHOULD ACTION BE DELAYED OR NOT TAKEN

Given the site conditions, the nature of the hazardous substances documented on-site, and the potential exposure pathways to nearby populations described in Sections II and II above, actual or threatened release of hazardous substances from the Site, if not addressed by implementing the response actions selected in this Action Memorandum, would have presented an imminent and substantial endangerment to public health, welfare, or the environment.

VI. OUTSTANDING POLICY ISSUES

The following remaining policy issues are associated with the site:

 X None

VII. ENFORCEMENT

The total EPA costs for this removal action based on full-cost accounting practices that will be eligible for cost recover are estimated to be \$ 40,415. ¹

$$(\$ 20,000 + \$ 5,000 \text{ Headquarters}) + (61.66\% \times \$ 25,000) = \$ 40,415$$


For administrative purposes, information concerning the enforcement strategy for this site is contained in the Enforcement Confidential Addendum.

¹Direct Costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct costs, consistent with the full cost accounting methodology effective October 2, 2000. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual total costs from this estimate will affect the United States' right to cost recovery.

VIII. RECOMMENDATION

This decision document represents the selected removal action for the 136th Street Drum Site in Chicago, Illinois, developed in accordance with CERCLA as amended, and not inconsistent with the NCP. This decision was based on the administrative record for the site. Conditions at the Site met the NCP section 300.415 (b) (2) criteria for an emergency removal and I recommend your approval of the removal action.

The total removal action project ceiling if approved will be \$ 20,000. Of this, an estimated \$ 20,000 may be used for cleanup contractor costs. You may indicate your decision by signing below.

APPROVE:  For LN DATE: 6/24/10
Linda Nachowicz, Chief, Emergency Response Branch 2

DISAPPROVE: _____ DATE: _____
Linda Nachowicz, Chief, Emergency Response Branch 2

Attachments

1. Administrative Record Index
2. Environmental Justice Analysis
3. ERRS Contractor's Cost To Date
4. Enforcement Addendum

cc: D. Chung, U.S. EPA, HQ
M. Chezick, U.S. DOI, w/o Enf. Addendum
B. Everetts, IEPA, w/o Enf. Addendum

ATTACHMENT 1

U.S. ENVIRONMENTAL PROTECTION AGENCY REMOVAL ACTION

ADMINISTRATIVE RECORD FOR 136TH STREET DRUM SITE CHICAGO, COOK COUNTY, ILLINOIS

ORIGINAL
NOVEMBER 2009

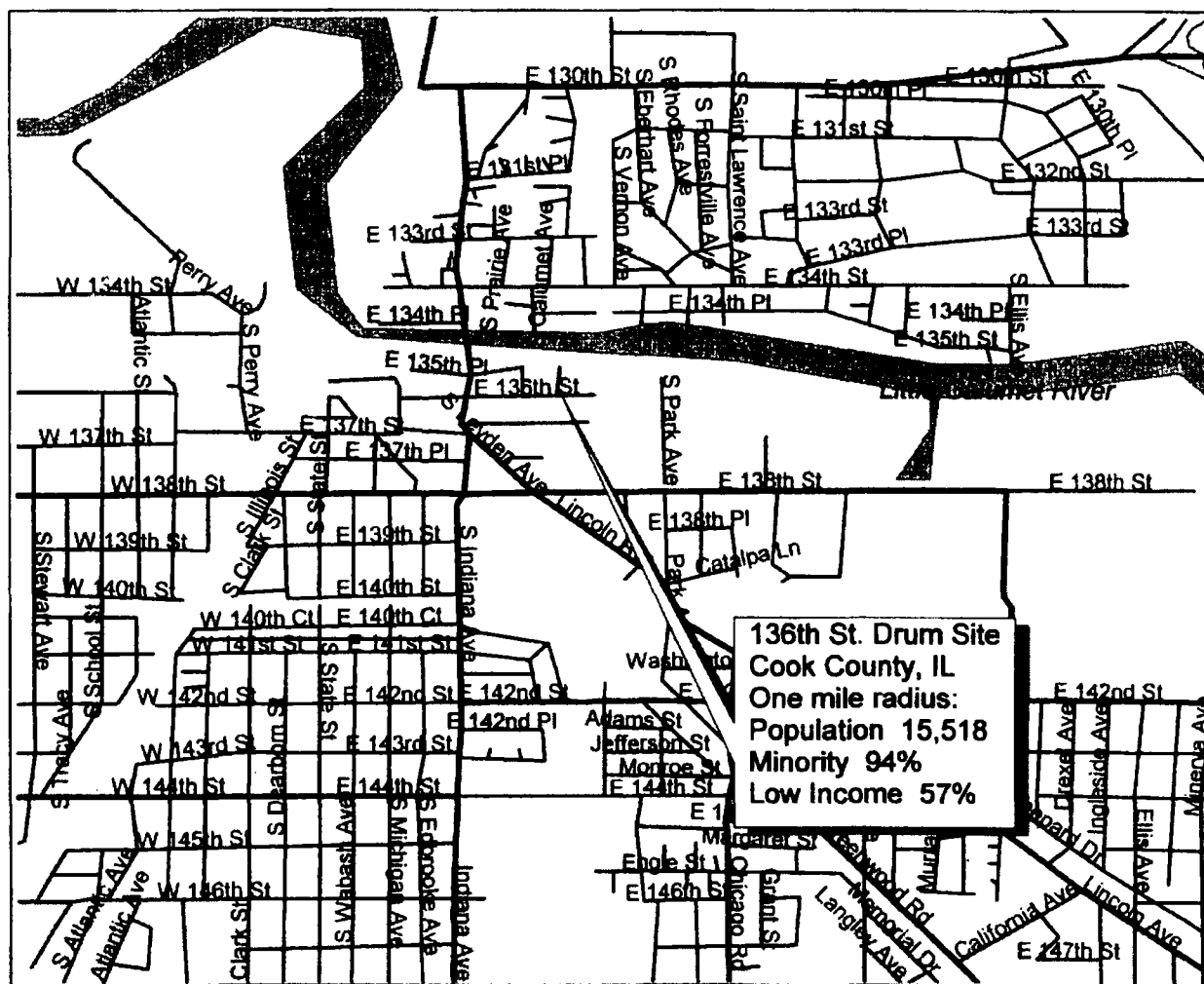
<u>NO.</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
1	08/13/09	U.S. EPA	File	Fax Transmission of Lab Pack Inventory Sheets for the 136 th Street Drum Site	28
2	09/02/09	Reyes, C., 136 th Street Drum	U.S. EPA	Consent for Access to Property at 340 E. 136th Street, Chicago	1
3	09/29/09	U.S. EPA	File	Manifests and Shipping Papers for the 136 th Street Drum Site	6
4	00/00/00	Micke, F., U.S. EPA	Nachowicz, L., U.S. EPA	Action Memorandum: Request for an Emergency Removal Action at the 136 th Street Drum Site (PENDING)	

ATTACHMENT 2

REGION 5 SUPERFUND
ENVIRONMENTAL JUSTICE ANALYSIS

Region 5 Superfund EJ Analysis

136th Street Drum Site Chicago, IL



136th St. Drum Site
Cook County, IL
One mile radius:
Population 15,518
Minority 94%
Low Income 57%

State of Illinois averages:
Minority: 32%
Low Income: 27%

U.S. EPA Region 5
Environmental Justice Case Criteria
for State of Illinois

Minority: 64% or greater

Low Income: 54% or greater



Date of Map: 10/9/09

Source of Map: Census 2000 Database/
ArcView 3.0

ATTACHMENT 3

**ERRS CONTRACTOR COST TO DATE
136TH STREET DRUM SITE
CHICAGO, IL
OCTOBER 2007**

The cleanup contractor's actual costs to date necessary to complete the removal action at the 136th Street Drum Site are as follows:

CONTRACTOR COSTS AS OF OCTOBER 1, 2009

Personnel	\$ 2,353
Equipment	\$ 324
Transportation and Disposal	\$ 9,777
	=====
Total	\$ 12,454

ATTACHMENT 4

**ENFORCEMENT CONFIDENTIAL ADDENDUM
136TH STREET DRUM SITE
CHICAGO, COOK COUNTY, ILLINOIS**

(REDACT 1 PAGE)

**ENFORCEMENT CONFIDENTIAL
NOT SUBJECT TO DISCOVERY**